



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

UNITED STATES OF AMERICA )      Criminal Action No. 1:04-cr-00053-1  
                                )  
v.                             )      ORDER  
                                )  
ERIC THOMAS MYERS,        )      By: Hon. James C. Turk  
Petitioner.                 )      Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (docket #77), is **DISMISSED** as untimely filed; a Certificate of Appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the United States.

ENTER: This 30<sup>th</sup> day of November, 2009.

\_\_\_\_\_  
Senior United States District Judge